

OCS Policy Committee
Resolution in Support of United States Ratification
of the
1982 United Nations Law of the Sea Convention
May 24, 2001

WHEREAS, the United States, with the largest continental shelf in the world, is neither a party to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), nor the implementing Agreement on Deep Seabed Mining, yet important activities affecting United States interests continue to go forward within the three institutions established under those agreements;

WHEREAS, the United States has supported the rule of law reflected in these important agreements, and though we currently remain on the sidelines, 135 nations and the European Union are now Party to the Convention;

WHEREAS, the OCS Policy Committee has on two previous occasions unanimously adopted resolutions supporting United States ratification of UNCLOS;

WHEREAS, recent technology advances are taking United States companies into deeper and deeper water and farther offshore in the search for oil and natural gas in both the United States and abroad;

WHEREAS, United States industry continues to seek a stable investment climate as a prerequisite to a successful market-oriented approach to offshore oil and natural gas development, and notwithstanding the United States view of customary international law, is concerned that failure by the United States to become a party to UNCLOS could adversely affect companies' operations offshore other countries.

WHEREAS, United States telecommunications and cable industries face similar UNCLOS related challenges in installing and maintaining rapidly changing underwater cable technology with broader bandwidths, and the petroleum industry, like many other United States industries, is highly dependent upon the security and reliability of such cable networks for the transmission of high-tech data to conduct its international operations;

WHEREAS, OCS Policy Committee is interested in assuring that as a coastal State, the United States would oversee regulatory control of United States industry operations on the continental shelf beyond 200 miles to the farthest extent possible;

WHEREAS, the OCS Policy Committee is interested in assuring that the United States has a national representative on the Commission on the Limits of the Continental Shelf, the expert body that reviews and makes recommendations regarding the establishment of a nation's continental shelf, in order that the limits of the Continental Shelf of the United States and other nations will be defined in a manner which will be coherent, stable, and legally correct;

WHEREAS, the National Energy Policy report, in Chapter 8, entitled "Strengthening Global Alliances: Enhancing National Energy Security and International Relationships," of the National

Energy Policy Development Group (May 2001), recommends that the President and his Cabinet Secretary “make energy security a priority of our trade and foreign policy...implement a system of clear, open, and transparent rules and procedures governing foreign investment; to level the playing field for United States companies overseas; and to reduce barriers to trade and investments,” as well as “expand investment and trade in energy-related goods and services that will enhance exploration, production, and refining, as well as the development of new technologies”;

WHEREAS, the next elections for the membership of the Continental Shelf Commission will take place in May 2002, and, in order to nominate an individual, the United States must be a Party to the Convention by February 2002;

WHEREAS, the OCS Policy Committee and United States industry are anxious to see the issue of revenue sharing beyond 200 miles be addressed as soon as possible in light of lease sales in the Western Gap in the Gulf of Mexico as early as this year;

WHEREAS, the balance struck in UNCLOS between freedom of navigation and protection of the marine environment should be maintained in view of the importation of rising volumes of crude oil and oil products into the United States;

WHEREAS, the OCS Policy Committee believes the United States government should be in a position to exercise leadership and influence how the International Seabed Authority will implement its role in being the conduit for revenue sharing from broad margin States such as the United States, and the United States cannot secure membership on the three subsidiary bodies of the Seabed Authority (Council, Legal, and Technical Commission and Finance Committees) until it accedes to the Convention; and

WHEREAS, elections for seven judges to the International Tribunal will take place in May 2002 and it would be in the best interest of the United States to have a United States judge on the Tribunal;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the OCS Policy Committee meeting in Alexandria, Virginia, on May 24, 2001, recommends that the Secretary of the Interior take up the matter of United States ratification of UNCLOS with her colleagues on the National Energy Policy Development Group, as well as the President, the Secretary of State, and the Secretary of Defense, in the hope that the Bush administration will find that support for ratification of UNCLOS is consistent with the National Energy Policy goals of increasing domestic production, diversifying energy supplies, strengthening our global alliances, and enhancing national energy security and international relationships, and;

BE IT FURTHER RESOLVED, that the OCS Policy Committee recommends that the Administration communicate its support for ratification of UNCLOS to the United States Senate calling for action by the Senate on this matter by February 2002 in order that the United States meet the critical timelines for advancing United States candidates for election to the Continental

Shelf Commission, the International Seabed Authority, and the International Tribunal on the Law of the Sea.